

## Jonathan Buchan

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**From:** Mark W. Ishman <mishman@ishmanlaw.com>  
**Sent:** Monday, September 10, 2018 8:55 AM  
**To:** Natalie Potter; Jonathan Buchan  
**Cc:** Garris, Kristin G.  
**Subject:** Re: Privilege Log

Dear Natalie,

We will let you know which copies of *Fundamentals* that you have in your possession that we are interested in, and we will organize the pick-up and return.

Please note that you initially disclosed two versions of *Fundamentals*: (i) SBPP00650 to SBPP-01379 and (ii) SBPP-01380 to SBPP-01947. Those two editions were the ones your client has electronic files for and they provided those to you. You then disclosed documents SBPP-02318 to SBPP-03047 designated as AEO, which you confirmed was a duplicate of the previously disclosed version of *Fundamentals* bates nos. SBPP-00650 to SBPP-01379.

With regards to your request of a pdf file, I spoke to my client about it. I was told that the pdf file my client has is a master file to produce *Fundamental*, and there is **no way** the PDF file leaving their secure storage. If the file leaked on the internet it could have devastating consequences to my client's sales of *Fundamentals* as anyone would be able to print high quality copies or read the title on their electronic devices.

You are correct that "discovery requests cover all formats – including electronic copies of documents" but do not oblige the parties to supply it in particular format. Your requests were as follows:

October 13, 2017 - Request 17

Provide a copy of each edition  
of *Fundamentals of Catholic*  
*Dogma* or *Grundriss der katholischen*  
*Dogmatik* or any translation, or version,  
thereof published by You.



In Plaintiff's 30(b)(6) Deposition on March 21,  
2018, :

Q. I'm going to ask that you provide your attorney with a copy of the book after this deposition ceases. Okay? Do you agree to do that?

Since you explicitly expressed that you wanted a copy of *Fundamentals* in a book format and my client has incurred expenses in getting the copy to us, I will post the copy to you. Please acknowledge receipt once you have received it. We expect the same co-operation from you and your client in complying with our discovery requests.

Thank you in advance.

Mark

**MARK W. ISHMAN, ESQ.**

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**From:** Natalie Potter <[NPotter@essexrichards.com](mailto:NPotter@essexrichards.com)>

**Date:** Thursday, September 6, 2018 at 5:52 PM

**To:** Mark Ishman <[mishman@ishmanlaw.com](mailto:mishman@ishmanlaw.com)>, Jonathan Buchan <[JBuchan@essexrichards.com](mailto:JBuchan@essexrichards.com)>

**Cc:** "Garris, Kristin G." <[Garris@thsh.com](mailto:Garris@thsh.com)>

**Subject:** RE: Privilege Log

Mark,

Regardless of how we got the files, we still incurred the burden and expense and got them to you. Our client has incurred great expense scanning files into pdf format to make them easily and readily accessible by you.